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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**KELLY FITZGERALD and
AMBROSIA FITZGERALD, by
her guardian ad litem, KELLY
FITZGERALD,**

Plaintiffs,

v.

**NIELSEN PROPERTY MANAGERS,
INC.; EROS RESMINI; and, MANINA
RESMINI,**

Defendants.

Case No. 2:05-CV-00119-MCE-PAN

CONSENT DECREE AND FINAL ORDER

This action was brought by plaintiffs alleging that defendants violated the Fair Housing Act, 42 U.S.C. section 3601 et seq., and related state laws by discriminating on the basis of familial status in connection with the ownership and operation of Nielsen Property Managers, Inc. and the rental premises located at 2308 P Street in Sacramento, California ("the subject rental premises").

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1 The parties have agreed that in order to avoid protracted and costly litigation the
2 controversy should be resolved without a trial or adjudication on the merits and therefore
3 have consented to entry of this consent decree and order. By entering into this agreement,
4 defendants make no admission of liability.

5 It is hereby ordered, adjudged and decreed that:

6 **MONETARY TERMS**

7 1. Defendant shall make a monetary payment of forty-five thousand dollars
8 (\$45,000) to plaintiffs in the form of a check made payable to the Attorney-Client Trust
9 Account of Brancart & Brancart, federal tax identification number 94-3243807. This
10 payment shall be delivered to plaintiffs' counsel within 10 days of entry of the consent
11 decree and final order.

12 **RELEASE TERMS**

13 2. Within ten days of the date of entry of this order, plaintiffs and defendants shall
14 execute a mutual waiver and release indicating that this consent decree and final order
15 constitutes a full and final settlement of any and all claims that they have related to the
16 subject matter of this lawsuit. That mutual waiver and release shall include a waiver of all
17 known and unknown claims and a waiver of the rights of all parties under California Civil
18 Code section 1542.

19 **EQUITABLE TERMS**

20 3. Defendants shall be prohibited from engaging in unlawful discrimination in
21 housing;

22 4. Defendants shall provide a copy of the HUD pamphlet entitled "Are you the victim
23 of housing discrimination?" (HUD official form 903.1.^{1/}) to all prospective tenants for
24 properties they manage or own;

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^{1/} Copies of HUD forms are available free of charge by calling HUD at (800) 669-
9777, or on HUD's website, located at www.hud.gov.

1 5. Defendant Nielsen Property Managers shall provide a copy of the HUD pamphlet
2 entitled "Fair Housing – Equal Opportunity for All" (HUD official form 1686 FHEO) to all
3 housing providers who employ Nielsen Property Managers as an agent for rental of their
4 properties;

5 6. Defendants shall advertise each vacancy to be filled at the subject rental
6 premises by placing an advertisement in a publication of general circulation, which shall
7 include the statement, "We're a Fair Housing Provider," or words to that effect;

8 7. Defendants shall display a fair housing poster, HUD form 928, in a conspicuous
9 location in a common area of the subject rental premises and in the main office of Nielsen
10 Property Managers;

11 8. Defendant Nielsen Property Managers shall place a fair housing provider tagline
12 or logo on the home page of their website, with a link to the Department of Fair
13 Employment and Housing website, www.dfeh.ca.gov.

14 9. Defendants shall attend and pay for attending a fair housing training once per
15 year for each of the five years conducted by Human Rights/Fair Housing Commission of
16 Sacramento ("HR/FHC"), or by any other FHIP-approved fair housing agency. The
17 trainings shall be attended by all property supervisors, managers, and other agents of
18 Nielsen Property Managers who have authority to deal with tenants and/or rental
19 applicants.

20 10. Defendants shall provide a written document to HR/FHC every year certifying
21 that defendants have complied with the terms of the consent decree for the previous year.


22 11. This order shall be in effect for a period of five years from the date of entry,
23 and the Court shall retain jurisdiction for purposes of enforcement. This order will
24 terminate at the end of the five year period.

25 12. The parties agree to attempt to work out in good faith any disputes that arise
26 under the terms of this order. Only after good faith mediation attempts have been
27 exhausted will the parties request the assistance of the Court in resolving the dispute.

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1 Plaintiffs shall provide notice in writing to defendants at least ten (10) days prior to
2 initiating any contempt proceedings.

3 Ordered this 15th day of July, 2005.

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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11 Approved as to content and form:

12 BRANCART & BRANCART
STEPHEN E. GOLDBERG

13 Dated: July 7, 2005.

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15 
Liza Cristol-Deman
Brancart & Brancart
Attorneys for Plaintiffs

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17 WILSON, ELSER, MOSKOWITZ,
18 EDELMAN & DICKER LLP

19 Dated: July 7, 2005.

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Tanya X. Johnson
21 Attorney for All Defendants
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